

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2008 Legislative Session

Legislative day # 14

BILL NO. 62-2008

Introduced by: Calvin Ball ~~and~~, Mary Kay Sigaty, and Jennifer Terrasa

Co-sponsored by: Jennifer Terrasa

~~An Act amending the Howard County Code to exempt certain residential developments containing Moderate Income Housing Units from the allocations portion of the Adequate Public Facilities Ordinance, under certain circumstances; altering the categories to be used in the housing unit allocation chart; and generally relating to the Adequate Public Facilities Ordinance.~~ An Act amending the Howard County Code to allow Moderate Income Housing Unit allocations to be used for market rate housing units for developments containing Moderate Income Housing Units, under certain circumstances; and generally relating to the Adequate Public Facilities Ordinance.

Introduced and read first time _____, 2008. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a

public hearing on _____, 2008 and concluded on _____, 2008.

By order _____
Sheila M. Tolliver, Administrator to the County Council

This Bill was read the third time _____, 2008 and Passed ___, Passed with amendments ___, Failed ___.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2008 at _____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2008.

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. ~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that
2 Subsections (a), (b)(1), (b)(2), and (b)(3) of Section 16.1102 “Housing Unit Allocation
3 Concept; Housing Unit Allocation Chart,” are repealed and reenacted without changes,
4 that Subsection (b)(6) of Section 16.1102 “Housing Unit Allocation Concept; Housing
5 Unit Allocation Chart” ~~is repealed, and that Subsection (b)(8) is added to Section~~
6 ~~16.1107 “Exemptions”~~, all of Subtitle 11 “Adequate Public Facilities”, of Title 16
7 “Planning, Zoning and Subdivision and Land Development Regulations” of the Howard
8 County Code, is amended to read as follows:

9
10 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations**

11 **Subtitle 11. Adequate Public Facilities**

12
13 **Sec. 16.1102. Housing unit allocation concept; housing unit allocation chart.**

14
15 (a) *Underlying Logic; Purpose:*

16
17 (1) Fiscal studies performed in connection with preparation of the general
18 plan analyzed various levels of population and housing unit growth. As a
19 result of those studies, which included cost/revenue and cost/benefit
20 analyses, the general plan included annual targets for residential
21 completions.

22
23 (2) The purpose of the housing unit allocation concept is to achieve but
24 not, on the average, exceed the general plan annual targets for residential
25 completions and, in so doing, to provide an orderly and predictable
26 planning environment for schools and other public facilities.

27
28 (3) The housing unit allocation concept has been implemented in this
29 subtitle through the housing unit allocation test and underlies the housing
30 unit allocation chart used in connection with that test. Use of the housing
31 unit allocation concept and the embodiment of that concept in the housing
32 unit allocation chart will allow the county to develop in a manner
33 consistent with the general plan.
34

1 (4) Because the need for school capacity fluctuates over time, long-term
2 planning and programming predictability and the efficient use of public
3 funds demands that the adequate school facilities test be linked with the
4 housing unit allocation chart. Use of the housing unit allocation chart is
5 required even when all schools are adequate in order to provide a
6 predictable planning environment for the continuation of that adequacy.
7

8 (b) *Housing Unit Allocation Chart:*
9

10 (1) *Description:* The housing unit allocation chart is a chart indicating the
11 projected number of housing unit allocations available to be granted in the
12 county each year for a 10-year period. The chart is designed to specify
13 housing unit allocations for the scheduled completion year of a project or
14 any phase of a project. The chart divides the available housing unit
15 allocations into planning regions and may provide for a set aside of
16 housing unit allocations for the revitalization of the US Route 1 Corridor,
17 senior housing units, and affordable housing units. The set aside for
18 senior housing units and affordable housing units may be assigned to a
19 specific planning region, selected regions or countywide.
20

21 (2) *Basis:* The basis of the housing unit allocation chart is the general
22 plan targets for residential growth by planning region. However, if the
23 general plan monitoring report indicates that general plan policies for
24 agricultural preservation, environmental protection and affordable housing
25 are not being met, the housing unit allocation chart may be adjusted to
26 more effectively achieve these policies.
27

28 (3) *Preparation and adoption:* The Department of Planning and Zoning
29 shall prepare and update the housing unit allocation chart for consideration
30 and adoption by the County Council. Once each year, and more often if
31 the Council determines that amendments are appropriate, the county
32 council shall adopt the housing unit allocation chart by resolution, after a
33 public hearing. Whenever the housing unit allocation chart is adopted or

1 amended, the open/closed chart shall be adopted or amended concurrently
2 to be consistent.

3
4 ~~¶~~(6) *Moderate income housing allocations*: To encourage the
5 construction of more moderate income housing and to create units that are
6 more affordable to young workers, first-time homebuyers, and retirees,
7 beginning in fiscal year 2007 the number of housing unit allocations shall
8 be increased by 100 moderate income housing unit allocations each year
9 as follows:

10
11 [(i) Only one or two bedroom units are eligible to receive a
12 moderate income housing unit allocation;

13
14 (ii) The square footage of a unit shall not exceed:

15
16 a. 900 square feet for a one bedroom unit; or

17
18 b. 1,100 square feet for a two bedroom unit; and

19
20 (iii) A development using moderate income housing unit
21 allocations shall satisfy the remaining applicable provisions
22 of this subtitle.]]

23 (I) EXCEPT AS PROVIDED IN SUBSECTION (IV), THE MODERATE
24 INCOME HOUSING UNIT ALLOCATIONS SHALL BE USED FOR
25 MODERATE INCOME HOUSING UNITS THAT SATISFY THE
26 MODERATE INCOME HOUSING UNIT PROVISIONS OF TITLE 13
27 OF THIS CODE;

28
29 (II) A DEVELOPMENT MAY ONLY RECEIVE MODERATE INCOME
30 HOUSING UNIT ALLOCATIONS FOR THE NUMBER OF
31 MODERATE INCOME HOUSING UNITS THAT ARE REQUIRED
32 BY THE ZONING REGULATIONS, EXCEPT THAT IF A
33 DEVELOPER PROFFERS MORE MODERATE INCOME HOUSING

1 UNITS THAN IS REQUIRED BY THE ZONING REGULATIONS, THE
2 DEVELOPMENT MAY RECEIVE ADDITIONAL MODERATE
3 INCOME HOUSING UNIT ALLOCATIONS FOR THE PROFFERED
4 UNITS;

6 (III) NO MORE THAN ONE-THIRD OF ALL OF THE UNITS IN A
7 DEVELOPMENT MAY RECEIVE MODERATE INCOME HOUSING
8 UNIT ALLOCATIONS;

10 (IV) MODERATE INCOME HOUSING UNIT ALLOCATIONS MAY BE
11 USED FOR MARKET RATE HOUSING UNITS IF:

12 A. THE DEVELOPMENT IS A MULTI-YEAR PHASED PROJECT;
13 AND

15 B. IN EACH PHASE OF CONSTRUCTION, THE PERCENTAGE OF
16 MODERATE INCOME HOUSING UNITS IS NO LESS THAN
17 THAT REQUIRED BY THE ZONING REGULATIONS; AND

19 (V) THE SUBDIVISION OR SITE DEVELOPMENT PLAN, INCLUDING
20 THE MODERATE INCOME HOUSING UNITS, IS SUBJECT TO THE
21 TESTS FOR ADEQUATE ROAD FACILITIES AND ADEQUATE
22 PUBLIC SCHOOL FACILITIES AS PROVIDED IN SECTIONS
23 16.1101 AND 16.1103 OF THIS CODE.

25 **~~Sec. 16.1107. Exemptions.~~**

27 ~~———— (b) ——— Residential Projects:~~

29 ~~(8) ——— PARTIALLY EXEMPT RESIDENTIAL SUBDIVISION PLANS CONTAINING MODERATE~~
30 ~~INCOME HOUSING UNITS: THE DEPARTMENT OF PLANNING AND ZONING~~
31 ~~SHALL EXEMPT ALLOCATIONS FOR MODERATE INCOME HOUSING UNITS IN~~
32 ~~RESIDENTIAL SUBDIVISION PLANS OR SITE DEVELOPMENT PLANS IF:~~

- (I) ~~THE UNITS SATISFY THE MODERATE INCOME HOUSING UNIT PROVISIONS OF TITLE 13 OF THIS CODE;~~
- (II) ~~NO MORE THAN ONE THIRD OF THE UNITS OF THE SUBDIVISION FOR WHICH THE EXEMPTIONS ARE SOUGHT WILL BE MODERATE INCOME HOUSING UNITS; AND~~
- (III) ~~THE SUBDIVISION OR SITE DEVELOPMENT PLAN, INCLUDING THE MODERATE INCOME HOUSING UNITS, IS SUBJECT TO THE TESTS FOR ADEQUATE ROAD FACILITIES AND ADEQUATE PUBLIC SCHOOL FACILITIES AS PROVIDED IN SECTIONS 16.1101 AND 16.1103 OF THIS CODE.~~

~~Section 2. And be it further enacted by the County Council of Howard County, Maryland, that Section 16.1102(b)(7), of Subtitle 11 “Adequate Public Facilities”, of Title 16 “Planning, Zoning and Subdivision and Land Development Regulations” of the Howard County Code, be, and it is hereby, renumbered to be Section 16.1102(b)(6).~~

Section 32. Be it further enacted by the County Council of Howard County, Maryland, that any moderate income housing unit allocations tentatively granted as of December 1, 2008 shall remain moderate income housing unit allocations pursuant to Section 16.1102(b)(6) of the Howard County Code as it existed on December 1, 2008, except the square footage of any unit may exceed the square footages set forth in Section 16.1102(b)(6)(ii), and any development for which moderate income housing unit allocations have been tentatively granted on or before December 1, 2008 for allocation years 2010 and beyond may use moderate income housing unit allocations for market rate units in those years.

***Section 323.** And be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*